

FILED

AUG 30 2005

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
PATRICK COOK,
Defendant.

Criminal Number: CR 05-0492 MHP

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING WAIVER AND
EXCLUSION OF TIME**

On Monday, August 29, 2005, the parties are scheduled to appear before the Court for a status hearing and/or possible change of plea. The parties now jointly request that this case be continued to Monday, September 19, 2005. The reason for this request is that the parties are working towards a resolution of this case and require additional time to meet and confer about the potential resolution. Moreover, the defense intends to provide the government with additional information that may help to facilitate a resolution of this case. The government however, will need additional time to investigate and evaluate the information.

The parties jointly request that the case be continued to Monday, September 19, 2005 for possible change of plea. The parties further request that the period from August 29, 2005 through and including September 19, 2005 be excluded from the calculation of time under the Speedy Trial Act.

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ORDER
CR 05-0492 MHP

1 In light of the foregoing reasons, the failure to grant the requested exclusion would
2 unreasonably deny counsel for both the defense and the government with the reasonable time
3 necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C.
4 § 3161(h)(8)(B)(iv). In addition, the ends of justice would be served by the Court excluding the
5 proposed time period; these ends outweigh the best interest of the public and the defendant in a
6 speedy trial. 18 U.S.C. §§ 3161(h)(8)(A), (B)(iv).

7 With the consent of the parties, the period from August 29, 2005 through and including
8 September 19, 2005, shall be excluded from the Speedy Trial Act calculation under 18 U.S.C.
9 §§ 3161(h)(8)(A) and (B)(iv).

10 SO STIPULATED.

11 DATED:

(see attachment)

LIDIA STIGLICH
Attorney for the Defendant

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14 DATED: 8/25/05

Alexis Hunter
ALEXIS HUNTER
Assistant United States Attorney

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17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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19 DATED:

August 26, 2005


Marilyn Hall Patel
MARILYN HALL PATEL
UNITED STATES DISTRICT JUDGE

1 In light of the foregoing reasons, the failure to grant the requested exclu: n would
2 unreasonably deny counsel for both the defense and the government with the re: nable time
3 necessary for effective preparation, taking into account the exercise of due dilig ce. 18 U.S.C.
4 § 3161(h)(8)(B)(iv). In addition, the ends of justice would be served by the Co: excluding the
5 proposed time period; these ends outweigh the best interest of the public and th efendant in a
6 speedy trial. 18 U.S.C. §§ 3161(h)(8)(A), (B)(iv).

7 With the consent of the parties, the period from August 29, 2005 throug and including
8 September 19, 2005, shall be excluded from the Speedy Trial Act calculation u er 18 U.S.C.
9 §§ 3161(h)(8)(A) and (B)(iv).

10 SO STIPULATED.

11 DATED: 8/26/05


LIDIA STIGLICH
Attorney for the Defendant

14 DATED: 8/25/05


ALEXIS HUNTER
Assistant United States At ney

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19 DATED:

MARILYN HALL PATE
UNITED STATES DISTI CT JUDGE